

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

JAN 27 2020

MITCHELL R. ELFERS
CLERK

UNITED STATES OF AMERICA,

4:19-CR-40097

Plaintiff,

v.

LOREN WILLIAM ROSIER,
NATHAN PEACHEY, and
JOHN RICK WINER,

Defendants.

REDACTED INDICTMENT

20 MJ 291 BPB

Conspiracy to Commit Wire Fraud
18 U.S.C. §§ 1343 and 1349

Conspiracy to Launder Monetary
Instruments
18 U.S.C. §§ 1956(a)(1)(B)(i) and
1956(h)

The Grand Jury charges:

COUNT 1

(Conspiracy to Commit Wire Fraud – 18 U.S.C. §§ 1343 and 1349)

Beginning at a time unknown, but no later than on or about 2015, and continuing through the date of this Indictment, in the District of South Dakota and elsewhere, the Defendants, Loren William Rosier, Nathan Peachey, and John Rick Winer, with others known and unknown to the Grand Jury, did conspire to commit the offense of wire fraud, in violation of 18 U.S.C. §§ 1343 and 1349. Defendants Loren William Rosier, Nathan Peachey, and John Rick Winer willfully and unlawfully devised and intended to devise a scheme and artifice to defraud and to obtain money and property from others by means of false and fraudulent pretenses, representations, and promises.

In furtherance of the conspiracy, Defendants Loren William Rosier, Nathan Peachey, and John Rick Winer, and others known and unknown to the Grand

Jury, informed investors that the monies provided to one or more of the co-conspirators would be used for charitable and humanitarian projects and that there would be a return on investments. Defendants Loren William Rosier, Nathan Peachey, and John Rick Winer, and others known and unknown to the Grand Jury, informed investors that the monies provided to one or more of the co-conspirators would not be expended on personal expenses. Investor money was not used for charitable or for humanitarian projects, and investors have not received a return on investments relating to the monies provided to Defendants Loren William Rosier, Nathan Peachey, or John Rick Winer.

As a part of the scheme and artifice to defraud, and in furtherance of the conspiracy, Defendants Loren William Rosier, Nathan Peachey, and John Rick Winer sought and obtained monies, monetary instruments, and money transfers from individuals who were the victims of the scheme. Defendants Loren William Rosier, Nathan Peachey, and John Rick Winer acted willfully, for the purpose of enriching themselves and others, knowing of the unlawful purpose of the scheme, in whole or in part, when they participated in it.

At times relevant to his case, in the District of South Dakota and elsewhere, Defendants William Rosier, Nathan Peachey, and John Rick Winer, and others known and unknown to the Grand Jury, having devised the above-described scheme and artifice to defraud, caused communications to be sent to South Dakota and elsewhere, and did knowingly use and cause communications to be transmitted in interstate or foreign commerce, by means of a wire

communication, writings, signs, signals, and sounds, for the purpose of executing such scheme and artifice.

Defendants' acts and omissions were in violation of 18 U.S.C. §§ 1343 and 1349.

COUNT 2

(Conspiracy to Launder Monetary Instruments –
18 U.S.C. §§ 1956(a)(1)(B)(i) and 1956(h))

Beginning at a time unknown, but no later than on or about 2015, and continuing through the date of this Indictment, in the District of South Dakota and elsewhere, the Defendants, Loren William Rosier, Nathan Peachey, and John Rick Winer, did knowingly and intentionally combine, conspire, confederate, and agree together, with others known and unknown to the Grand Jury, to knowingly conduct and attempt to conduct financial transactions affecting interstate and foreign commerce, to wit: depositing, transferring, wiring, and withdrawing U.S. Currency at financial institutions, which involved the proceeds of a specified unlawful activity, that is, wire and mail fraud, knowing that the transactions were designed in whole and in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of said specified unlawful activity, and that while conducting and attempting to conduct such financial transactions Defendants Loren William Rosier, Nathan Peachey, and John Rick Winer knew that the property involved in the financial transactions represented the proceeds of some form of unlawful activity, all in violation of 18 U.S.C. §§ 1956(a)(1)(B)(i) and 1956(h).

FORFEITURE ALLEGATION RELATING TO COUNT 1

The allegations in Count 1 of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to 18 U.S.C. § 981(a)(1)(c), and 28 U.S.C. § 2461(c).

Pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, upon conviction of the offense set forth in Count 1 of this Indictment, Defendants Loren William Rosier, Nathan Peachey, and John Rick Winer shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, any property, real or personal, which constitutes or is derived from proceeds traceable to such violations.

If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

FORFEITURE ALLEGATION RELATING TO COUNT 2

The allegations contained in Count 2 of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to 18 U.S.C. § 982(a)(1).

Pursuant to 18 U.S.C. § 982(a)(1), upon conviction of an offense in violation of 18 U.S.C. §§ 1956(a)(1)(B)(i) and 1956(h) as alleged in Count 2 of this Indictment, Defendants Loren William Rosier, Nathan Peachey, and John Rick Winer shall forfeit to the United States of America any property, real or personal, involved in such offense, and any property traceable to such property.

If any of the property described above, as a result of any act or omission of the defendant[s]:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1) and Title 28, United States Code, Section 2461(c).

A TRUE BILL:

Name Redacted

Foreperson

RONALD A. PARSONS, JR.
United States Attorney

By: 

FBI
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

AO 442 (Rev. 11/11) Arrest Warrant

JAN 2, 2020

UNITED STATES DISTRICT COURT

for the

District of South Dakota

United States of America

v.
LOREN WILLIAM ROSIER,
NATHAN PEACHERY, and
JOHN RICK WINER,

Defendant

Case No.

2073-110602015

107

4:19 CR 40097

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) John Rick Winer

who is accused of an offense or violation based on the following document filed with the court:

Indictment Superseding Indictment Information Superseding Information Complaint
 Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

This offense is briefly described as follows:

Conspiracy to Commit Wire Fraud, in violation of 18 U.S.C. §§ 1343 and 1349 and Conspiracy to Launder Monetary Instruments, in violation of 18 U.S.C. §§ 1956(a)(1)(B)(i) and 1956(h).

Date: 11/05/2019

Issuing officer's signature

City and state: Sioux Falls, South Dakota

Matthew W. Thelen, Clerk of Court

Printed name and title

Return

This warrant was received on (date) 01/09/20 , and the person was arrested on (date) 1/24/20
 at (city and state) FARMINGTON, NM

Date: 1/24/20

Arresting officer's signature

Deputy U.S. Marshals Jarred Santesson
Printed name and title